

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DAVID FRANKLIN WILSON, JR., :

Petitioner :

VS. :

Warden WILLIAM TERRY, :

Respondent :

NO. 5:09-CV-218 (MTT)

ORDER

Before the Court is Petitioner **DAVID FRANKLIN WILSON JR.’S** motion for leave to proceed *in forma pauperis* on appeal (Doc. 16). By Order dated July 26, 2011 (Doc. 13), the undersigned adopted the recommendation of Magistrate Judge Charles H. Weigle that Petitioner’s 28 U.S.C. § 2254 motion be denied and that Petitioner be denied a certificate of appealability (“COA”). Because this Court has held that Petitioner is not entitled to a COA, his motion to proceed *in forma pauperis* on appeal is **DENIED AS MOOT.**

SO ORDERED, this 25th day of August, 2011.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

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